

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF DELAWARE

ARONDA D. BROOKINS

Plaintiffs,

February 12, 2008 *J*

V.

RED CLAY CONSOLIDATED SCHOOL DISTRICT

Defendant.

C.A.No. 08-cv-11 GMS

PLAINTIFFS RESPONSE AND DISAGREEMENT TO
DEFENDANT'S, MOTION TO DISMISS FOR FAILURE
TO STATE A CLAIM

On September 4, 2007 I filed a complaint against Red Clay Consolidated School District with respect to an improper employment termination and violation of my civil rights due to my criminal background, which is 17 ½ years old.

I am in disagreement with the defendant's motion to dismiss my case and I offer the following:

1. I was successfully employed with Red Clay from 1995-1999 and resigned in good standing after the tragic death of my mother and husband six months apart.
2. I was re-hired by Red Clay in September of 2005 in the Human Resources Department as a floating clerk with the same criminal background I was hired with in 1995. I received a favorable evaluation upon completion of their probationary period.

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3. On or about March 8, 2006 I was covering for an absent secretary in a school when I received a hand delivered inter-office letter from Ms. Debra Davenport that I was to meet with her in her office on March 10, 2006 and advised to have union representation attend the meeting with me. Unfortunately, the Union Representation was out of town after asking for the 48-hour extension as noted in our Union Contract. (See attached) Ms. Davenport denied me the extension and terminated me by mail for an unfavorable criminal background after six months of successful employment.
4. I went to Delaware Labor Law Department to seek help for what I felt is wrongful termination and was directed to the US Equal Employment Opportunity Commission (EEOC) located in Philadelphia Pennsylvania. I received a final right to sue letter from the EEOC indicating that I may file suit in a United States Federal District Court and the closest US Federal District Court to my residing in Delaware is the Federal Court located in Philadelphia Pennsylvania.
5. Finally, I presently cannot afford an attorney to help me with my case. However, I am certain that I was wrongfully terminated from Red Clay School District for a criminal history that I had been hired with back in 1995 and worked until 1999. Then, re-hired with the same criminal history again in September 2005 until being stripped of my civil rights in March 2006 for something Red Clay was already aware of. Your

Honor, My claim was not filed past 300 days. My first claim was filed in a timely manner. However, I first presented to the E.E.O.C. by phone and was mailed a form to complete and return as I followed their protocol. I then received a phone call from the E.E.O.C. informing me I needed to come in person to proceed and I did so. When I arrived in person I was assigned another case number with Mr. White not being aware I already had one causing me to have two case numbers. The first claim was filed before the 300 day deadline. However, once the error was corrected, The E.E.O.C proceeded with the correct claim number from that point on. Also, Your Honor if I had missed the 300 day deadline the E.E.O.C. would not have accepted my claim at all. From the E.E.O.C. I was directed to the United States District Court of Pennsylvania and then transferred to the United States District Court of Delaware. Finally, my claim is that I was wrongfully terminated from Red Clay School District and the fact that I worked well past the 90 day probationary period. While I cannot afford an attorney, I have no other direction to go but to defend myself and to bring forth my witnesses in this case. I plead with the courts to not dismiss my case and give me the chance to let fair citizens hear the truth.

(6) Remedy Sought: Reinstated to a position with back pay

In conclusion, for the above stated reasons, I Aronda D. Brookins (Plaintiff) plead with the court to not dismiss my claims against Red Clay for failure to state a claim.



cc: Judge J. Sleet
John D. Balaguer
Dana Spring Monzo
(Attorneys for Red Clay Consolidated School
District